

Exhibit D

Jason Heil - February 12, 2021

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
CASE NO. 3:19-CV-05711-EMC

ABANTE ROOTER AND PLUMBING,)
INC., individually and on)
behalf of all others)
similarly situated,)

Plaintiff,)

vs.)

TOTAL MERCHANT SERVICES, LLC,)
a Delaware limited liability)
company,)

Defendants.)

DEPOSITION OF JASON HEIL
TAKEN ON BEHALF OF THE PLAINTIFF
VIA VIDEOCONFERENCE
ON FEBRUARY 12, 2021
11:00 AM - 3:35 PM (CST)

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25

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1 Q. And what did you do after that?

2 A. Then I started a portfolio with them
3 afterwards.

4 Q. What does that mean?

5 A. Started selling merchant services with them
6 more on a partner side.

7 Q. Okay. And how long did you work with them on
8 the partner side?

9 A. Several years. I can't recall the time
10 because it was a while ago.

11 Q. Okay. So, what did you do after you left
12 Allied Card Processing?

13 A. We had a separate portfolio, and I was working
14 with them on the separate portfolio.

15 Q. What did you do after that?

16 A. After that I left and then started a portfolio
17 by myself -- or with some other friends.

18 Q. And was that portfolio started as part of a
19 business or just you individually working with these
20 individuals?

21 A. At first individually and then it turned into
22 a business.

23 Q. What was that business's name?

24 A. Total Merchant Supplies.

25 Q. And who are the individuals that started that

1 business with you?

2 A. Chris Heil, Jay Sadaat and Nathaniel Aripez.

3 Q. Can you spell the last two, please?

4 A. J-A-Y, S-A-D-A-A-T, and then Nathaniel, I
5 believe N-A-T-H-I-N-E-L, and space, A-R-I-P-E-Z.

6 Q. And what was your role with Total Merchant
7 Supplies?

8 A. I was just in charge of operations and sales.

9 Q. And did you start Triumph after you started
10 Total Merchant Supplies?

11 A. Eventually, yes.

12 Q. When was that?

13 A. I can't recall the time exactly, but several
14 years later.

15 Q. Did you do anything between the time you
16 worked for Total Merchant Supplies and the time you
17 started Triumph?

18 A. Did I do anything, what do you mean?

19 MR. ZANN: I'm gong to object, that's vague
20 and ambiguous.

21 You can answer, if you can.

22 BY MR. T. SMITH:

23 Q. Were you employed anywhere else?

24 A. No.

25 Q. You were an owner or partial owner of Total

1 Merchant Supplies, is that correct?

2 A. Correct.

3 Q. And you're a partial owner of Triumph as well?

4 A. Correct.

5 Q. Who else owns a share of Triumph?

6 A. Chris Heil.

7 Q. Is that it?

8 A. Correct.

9 Q. Have you owned any other businesses?

10 A. Previously or currently?

11 Q. Previously.

12 A. No.

13 Q. Currently?

14 A. Yes.

15 Q. What other businesses?

16 A. BPO call centers.

17 Q. That's the name of the business?

18 A. No. It's an industry.

19 Q. Are there various call centers?

20 A. No. What do you mean, various?

21 Q. You said you owned businesses, BPO call
22 centers, correct?

23 MR. ZANN: Can I ask what the relevance is
24 regarding other businesses that he currently owns?

25 He's here as the claims representative. I gave you

1 MR. B. SMITH: I'll join.

2 MR. ZANN: Do you understand the question,
3 Jason? If you understand it, answer.

4 THE WITNESS: Can you repeat it, please.

5 BY MR. T. SMITH:

6 Q. Yeah. How would you describe your business
7 relationship with Total Merchant, Triumph's business
8 relationship?

9 MR. ZANN: Form.

10 THE WITNESS: I think it's okay, it's good.

11 BY MR. T. SMITH:

12 Q. What does Triumph do for Total Merchant?

13 A. Triumph would, if signed a deal that would fit
14 the parameters of Total Merchant, then we would send
15 it to Total Merchant.

16 Q. What do you mean by "a deal?"

17 A. A company that was interested in getting set
18 up for credit card processing for lower rates, free
19 equipment, things along that nature.

20 Q. Okay. So, you would seek out potential
21 merchants to sell credit card processing, is that a
22 fair characterization of Triumph's business?

23 MR. ZANN: Object to the form, misstates
24 testimony.

25

1 BY MR. T. SMITH:

2 Q. And if that merchant meets Total Merchant's
3 criteria then Triumph would sell -- or would sign up
4 that merchant for their products and services?

5 MR. ZANN: Objection, form. Misstates --

6 THE WITNESS: Correct.

7 BY MR. T. SMITH:

8 Q. Are you in regular contact with Total
9 Merchant? When I say you I mean Triumph.

10 A. No.

11 Q. Would Triumph have ever been in regular
12 contact with Total Merchant?

13 MR. B. SMITH: Vague and ambiguous as to the
14 term regular, lack of foundation.

15 MR. ZANN: I'll join and add speculative to
16 that mix.

17 THE WITNESS: Yes. The question one more
18 time, please?

19 BY MR. T. SMITH:

20 Q. Has Triumph ever been in regular contact with
21 Total Merchant?

22 A. Yeah.

23 Q. Can you describe what contact that would be?

24 A. E-mail, phone call.

25 Q. During the time that all the calls were made,

1 A. Throughout the sales process?

2 Q. Yes.

3 MR. B. SMITH: Object to the form.

4 THE WITNESS: No.

5 BY MR. T. SMITH:

6 Q. I'm sorry, I didn't get that. Did you say
7 no?

8 A. Correct, I said no.

9 Q. So, Triumph's communication with Total
10 Merchant would be just related to the approval of the
11 application?

12 A. Correct.

13 Q. And how would you find out if they were
14 approved?

15 A. Through the portal mentioned.

16 Q. And then what would happen?

17 A. Send out equipment and encouraged the people
18 to plug in the credit card processing machine.

19 Q. Does Triumph send the equipment or does Total
20 Merchant send it?

21 A. It gets tricky, it depends. I can send out
22 the equipment sometimes or they can send out the
23 equipment. But in this case they sent out the
24 equipment.

25 Q. When you say "in this case" what are you

1 regarding the Telephone Consumer Protection Act?

2 A. No, I don't believe so.

3 Q. Has Total Merchant provided any marketing
4 materials?

5 A. I can't recall.

6 Q. Did Total Merchant permit you to use their
7 name in marketing materials?

8 A. If we were to sell their services or if we
9 were to send someone to their portfolio, then we would
10 let them know that we were sending them to Total
11 Merchant Supplies.

12 Q. But you wouldn't have used Total Merchant's
13 name in marketing?

14 A. No. We use merchant services in our opening.

15 Q. Okay. Does Total Merchant restrict how you
16 can market?

17 A. I don't know.

18 Q. How does Total Merchant compensate you?

19 A. Shared residual and upfront bonuses.

20 Q. Can you explain those? Start with the upfront
21 bonuses, how does that work?

22 A. Like a hundred or two hundred dollars for any
23 equipment that we would sign up, depending on the
24 equipment, obviously.

25 Q. Okay.

1 A. But then if they didn't activate they would
2 call it back.

3 Q. What about shared residual, what is that?

4 A. If they processed then there's a back end
5 split.

6 Q. And how does that work?

7 A. You swipe their credit card and we'll make
8 money off the transaction because we would set up
9 transactional fees or bases points to process the
10 transaction.

11 Q. And Triumph would get a share of those fees?

12 A. Correct.

13 Q. And Total Merchant would get a share of those
14 fees?

15 A. Correct.

16 Q. And are those ongoing forever?

17 A. I wouldn't say forever because nothing's
18 forever.

19 Q. For as long as the client remains a client of
20 Total Merchant?

21 A. Correct.

22 Q. Has the method of compensation changed over
23 the course of your relationship?

24 A. Meaning? What do you mean?

25 Q. Has Total Merchant changed it at all or is it

1 MR. B. SMITH: Object to the form.

2 THE WITNESS: Like the splits or the payments
3 or the buy rates?

4 BY MR. T. SMITH:

5 Q. Yeah, any term.

6 A. Yeah. I'm saying the splits and buy rates.

7 Q. The splits and buy rates. And what are
8 those?

9 A. How we get paid.

10 Q. It appears that this is a sales representation
11 agreement between Total Merchant and Total Merchant
12 Supplies, is that correct?

13 A. Yes.

14 Q. Is this related to Triumph in any way?

15 A. No.

16 Q. Is Total Merchant Supplies related to Triumph
17 in any way?

18 A. No.

19 Q. Is Total Merchant Supplies still ongoing?

20 A. No.

21 Q. It's not. Do you know when that ended?

22 A. 2018-ish, '17-ish.

23 Q. And why did that end?

24 A. A falling out with current partners.

25 Q. And then after that you started Triumph?

1 A. Correct.

2 Q. Did Triumph take over Total Merchant Supplies
3 contract with Total Merchant?

4 A. No. Separate agreement.

5 Q. So, it would have had a separate agreement
6 that looks like this?

7 A. I believe so.

8 Q. Did Total Merchant Supplies solicit sales on
9 behalf of Total Merchant?

10 A. Correct.

11 Q. Do you know if Total Merchant Supplies
12 terminated their relationship with Total Merchant?

13 MR. B. SMITH: Object to form.

14 THE WITNESS: I don't know what they did.

15 BY MR. T. SMITH:

16 Q. In 2008, after the falling out, did Total
17 Merchant Supplies close completely?

18 A. Correct.

19 Q. So, it doesn't exist at all anymore?

20 A. Correct.

21 Q. What happened with the accounts with Total
22 Merchant that were managed by Total Merchant
23 Supplies?

24 A. What do you mean?

25 Q. Well, you told me that if you make a sale then

1 A. No.

2 Q. So, they would never reach out and say, this
3 person requested to no longer receive calls, please
4 don't call them anymore?

5 MR. ZANN: Asked and answered.

6 THE WITNESS: Correct.

7 BY MR. T. SMITH:

8 Q. What methods of marketing does Triumph use?

9 MR. B. SMITH: Object, vague and ambiguous,
10 overbroad as to time. I guess Jason's familiar we're
11 talking about November of 2018 to July of 2020,
12 correct?

13 MR. T. SMITH: Yes.

14 THE WITNESS: What I used to market to get
15 clients?

16 BY MR. T. SMITH:

17 Q. Yes.

18 A. Just direct calling.

19 Q. So, what portion of your business is generated
20 through telemarketing?

21 A. One hundred percent.

22 Q. Do you have any --

23 A. Between those dates?

24 Q. Between those dates, yes.

25 Between those dates, November of 2018 through

1 BY MR. T. SMITH:

2 Q. Would that dialer be a Vicidial system?

3 A. Vicidial, yes.

4 Q. Who would be the telephone service provider
5 associated with any calls you made to the Vicidial
6 system?

7 A. What do you mean?

8 Q. Let me rephrase that. Between November of
9 2018 and July of 2020 Triumph utilized the Vicidial
10 system, is that correct?

11 A. Correct.

12 Q. Is that the only system that Triumph would
13 have utilized during that timeframe?

14 A. Correct.

15 Q. And when you place a call was there a
16 telephone service provider you would go through, such
17 as AT & T, Verizon, something like that?

18 A. Yes.

19 Q. Do you know who it is?

20 A. VoIP Innovations.

21 Q. You said you first started working with
22 Poundteam in 2014, is that correct?

23 A. Yes.

24 Q. So, at the start of that Poundteam would have
25 an agreement with Total Merchant Supplies, correct?

1 calls to?

2 A. I'm sorry?

3 Q. Does Triumph maintain any records of prior
4 expressed consent for any of the individuals they
5 would place calls to between --

6 A. What do you mean by consent?

7 Q. Consent to place the call. Did any of these
8 individuals Triumph would call between November of
9 2018 to July of 2020, did any of them consent to
10 Triumph placing a call to them?

11 MR. ZANN: Object to the form, lack of
12 foundation.

13 THE WITNESS: I don't understand the question.

14 BY MR. T. SMITH:

15 Q. Okay. Where did you get -- where did Triumph
16 get the numbers that they called?

17 A. Between those dates?

18 Q. Yes.

19 A. Infofree.com.

20 Q. Do you know Infofree's legal name?

21 A. No. I just know it's Infofree.com.

22 Q. Okay. How did you hear about Infofree?

23 A. On-line search.

24 Q. Do you remember when that would have been?

25 A. No.

1 Q. Do you remember about how long Triumph has
2 utilized Infofree services?

3 A. For a while. I can't -- I'm sorry, Taylor, I
4 can't give you an exact date, but --

5 Q. Can you ballpark it?

6 A. For a long time.

7 Q. Did you have an agreement with Infofree?

8 A. No.

9 Q. No contract?

10 A. Not that I recall. I can't remember.

11 Q. Did Triumph purchase leads from Infofree?

12 A. Yeah.

13 Q. Do you remember how much Triumph paid for
14 those leads?

15 A. No.

16 Q. Would any records of payments be within
17 Triumph's possession?

18 A. I don't know.

19 Q. Does Triumph still obtain leads from Infofree?

20 A. No.

21 Q. Do you remember how Triumph would go about
22 obtaining leads from Infofree?

23 A. What do you mean?

24 Q. Like, how did you get leads, how were they
25 obtained?

1 A. They would have it in their website. You
2 click businesses and then you would click, like, the
3 industry, for example, and then download.

4 Q. And then what would happen?

5 A. You'd receive businesses, registered
6 businesses and their phone numbers.

7 Q. Okay. And how would you receive it, would
8 they be Excel file?

9 A. Yeah, Excel, CSV.

10 Q. What would Triumph do with the list they
11 obtained from Infofree?

12 A. Triumph would then take the list and upload it
13 into the system to call.

14 Q. When you say the system are you referring to
15 Triumph's dialing system?

16 A. I'm referring to Vicidial.

17 Q. Does Triumph keep records of all of the leads
18 they have obtained from Infofree?

19 A. Correct.

20 Q. Where would those be maintained?

21 A. Inside VT's system, the cloud, whatever it is.

22 Q. Nowhere else?

23 A. No. I mean, when it's downloaded, right, you
24 have it, but I've erased those files, just to be
25 clear.

1 Q. Do you know if Triumph purchased plaintiff's
2 lead information from Infofree?

3 A. I'm sorry?

4 Q. Do you know if Triumph purchased plaintiff's
5 lead information from Infofree?

6 A. Is plaintiff Total?

7 Q. Plaintiff Abante Rooter.

8 MR. B. SMITH: Objection, calls for
9 speculation.

10 THE WITNESS: I mean, I don't know. We just
11 got it from Infofree.

12 BY MR. T. SMITH:

13 Q. Okay.

14 A. I mean, that's not the specific name we looked
15 out for or whatever. We got a bunch of names and
16 businesses and then I took those businesses --

17 Q. Did Triumph upload any other phone numbers
18 into the Vicidial system --

19 A. You're cutting out. I'm sorry.

20 Q. Let me start over. Between November of 2018
21 and July of 2020 would Triumph have uploaded phone
22 numbers from any other source other than Infofree into
23 the Vicidial system?

24 A. No.

25 Q. You previously testified that Triumph

1 purchased the leads from Infofree, is that correct?

2 A. Correct.

3 Q. Does Triumph have a record of those payments?

4 A. I would have to look. I don't know.

5 Q. Is that something you could look for?

6 A. I would have to check. I mean, could I, yeah,
7 probably. I would have to look. I don't know if we
8 have it.

9 Q. Between November of 2018 and July of 2020 did
10 Triumph have any procedures in place to ensure that
11 the telephone numbers that were provided by Infofree
12 had consented to be called?

13 MR. B. SMITH: Object to the form and
14 foundation.

15 THE WITNESS: What do you mean by consent?

16 BY MR. T. SMITH:

17 Q. Individuals agreeing to be called?

18 MR. B. SMITH: Objection to form and
19 foundation.

20 THE WITNESS: No.

21 BY MR. T. SMITH:

22 Q. Did Triumph just rely on Infofree to handle
23 everything then?

24 A. Correct. That was the service they provided.

25 Q. And between November of 2018 and July of 2020

1 MR. B. SMITH: David, don't take this the
2 wrong way, but I'm going to need some more coffee to
3 get through this deposition. It's been about two
4 hours. Can we take like ten or fifteen minutes to go
5 get some?

6 MR. T. SMITH: Yeah.

7 MR. B. SMITH: Let's come back in fifteen
8 minutes, 12:15.

9 (Off the record at 2:02 p.m.)

10 (Back on the record at 2:21 p.m.)

11 MR. T. SMITH: I'm going to pull up the next
12 exhibit.

13 (Whereupon, Plaintiff's Exhibit #8 was
14 received and marked for identification)

15 BY MR. T. SMITH:

16 Q. I'm showing you what's been marked Exhibit 8.
17 Do you recognize this exhibit? I can scroll through
18 it if you want.

19 A. Yeah, please scroll through it. Okay.

20 Q. Do you recognize it?

21 A. Not entirely, but I think I have an idea what
22 it is.

23 Q. What's your idea what it is?

24 A. I'm assuming the records called.

25 Q. Okay. I'll scroll to the bottom real quick.

1 I'll just point out that it looks like the last call
2 is a record of November 26, 2018. Do you see that?

3 A. Uh-huh.

4 Q. And the first call is November 2nd, 2018. Do
5 you see that?

6 A. Yeah.

7 Q. Would this be all of Triumph's calling data
8 for the year of 2018?

9 A. I don't know. I don't think so.

10 Q. Where would this calling data originally be
11 stored at?

12 A. In Vicidial.

13 Q. Would this document represent all calls that
14 Triumph placed through the Vicidial system between
15 November 2nd, 2018 through November 26th of 2018?

16 A. Yes, I believe so, yes.

17 Q. Has Triumph downloaded and produced all the
18 calls that it made from Vicidial between November 28th
19 and July 2020?

20 A. I don't know. I would have to double-check.

21 Q. Okay. Give me a second, I'll move on to
22 Exhibit 9.

23 MR. B. SMITH: While this pulls up, I don't
24 think it matters, but for Exhibit 8 that you just
25 showed, Abante 478, the way it was produced from

1 plaintiffs to TMS was both PDF and CSB file. Was that
2 a PDF or CSB that you showed?

3 MR. T. SMITH: That was the CSB.

4 MR. B. SMITH: Again, I don't think it
5 matters, I was just curious.

6 (Whereupon, Plaintiff's Exhibit #9 was
7 received and marked for identification)

8 BY MR. T. SMITH:

9 Q. I'm showing you what's been marked as
10 Exhibit 9. Do you recognize this? I'll scroll
11 through it.

12 A. I mean, I'm assuming it's the same thing.

13 Q. I'll just direct your attention to the first
14 entry which dates January 21st, 2019, correct?

15 A. Correct.

16 MR. T. SMITH: One second.

17 BY MR. T. SMITH:

18 Q. This is Exhibit 9, open in Excel rather than
19 the CSB. My question to you is: Would these calls
20 that were produced, would they have been contained
21 within the Vicidial system as well?

22 A. Contained, what do you mean?

23 Q. Like, where would this data have come from?

24 A. The data would come from Infofree.

25 Q. The leads you're saying would come from

1 Infofree, is that what you're saying?

2 A. Correct.

3 Q. Are these records of calls?

4 A. Are these records of calls?

5 Q. Yes.

6 A. I believe so, yes.

7 Q. And where would the records have been stored?

8 A. Within Vicidial.

9 Q. Do you know if all the calls within this
10 file, and it's the data for 2019, would be stored in
11 the --

12 A. I'm sorry?

13 Q. Do you know if all the data in this file would
14 have been stored in the Vicidial system?

15 A. I believe so, correct, yes.

16 Q. This would be an accurate representation of
17 calls that Triumph placed in 2019 through the Vicidial
18 system?

19 A. Correct.

20 Q. First off, column H, I'll scroll to the top,
21 it says, phone number. Do you see that?

22 A. I do.

23 Q. What would that column contain?

24 A. Phone numbers.

25 Q. Of the person called?

1 Q. Is it fair to say that Triumph placed a call
2 to that telephone number on October 8th, 2019?

3 A. Yes.

4 (Whereupon, Plaintiff's Exhibit #10 was
5 received and marked for identification)

6 BY MR. T. SMITH:

7 Q. I'm showing you what's been marked Exhibit 10.
8 Do you recognize this? I'm happy to scroll through
9 it.

10 A. I'm assuming it's the same.

11 Q. Yes. And the last entry in that is dated
12 July 17th, 2020, correct?

13 A. Okay.

14 Q. That's correct, right?

15 A. Yeah, I see that.

16 Q. Okay. Would this document contain all of the
17 calls that Triumph placed between January of 2020 and
18 July of 2017 using the Vicidial system?

19 A. I believe so.

20 Q. You're not aware of any other records of calls
21 that you have?

22 A. Oh, no, no. It would only be through
23 Vicidial.

24 (Whereupon, Plaintiff's Exhibit #11 was
25 received and marked for identification)

1 merchant on the other hand?

2 MR. T. SMITH: Objection, calls for
3 speculation.

4 THE WITNESS: When the deal is executed. When
5 I close the deal. When we get a deal, and I'm not
6 closing the deal, it's obviously one of the agents,
7 they would close it and then they would place it
8 wherever they saw fit at the time of the conversation
9 for the client.

10 BY MR. ZANN:

11 Q. Let's just elaborate on that a little bit
12 more, just the process itself. This is the process
13 I'm envisioning and you tell me if I'm correct or
14 clarify where I'm wrong. Is that fair?

15 A. Fair.

16 Q. A call will be placed by Triumph to a
17 merchant?

18 A. Correct.

19 Q. I believe you indicated Triumph would identify
20 itself as, quote, unquote, merchant services?

21 A. Correct.

22 Q. And Triumph would then inquire into the needs
23 of the merchant? And by needs I'm referring to
24 credit card processing needs of the merchant.

25 A. Right, yeah.

1 Q. In the course of that communication did
2 Triumph determine which one of any of those five
3 entities we discussed earlier could provide the most
4 cost effective services to the merchant?

5 A. Correct.

6 Q. So, ultimately it's Triumph's decision as to
7 which credit card processing company to place the
8 merchant with, is that correct?

9 A. Right.

10 Q. And I believe you stated earlier, for merchant
11 applications submitted to TMS, if those were rejected
12 you would attempt to submit those to one of those
13 other credit card processors to provide the service to
14 the merchant?

15 A. Yeah.

16 Q. Would that also work in the reverse, wherein
17 if Triumph would submit --

18 A. Correct.

19 MR. B. SMITH: Jason, wait for him to finish
20 his question.

21 THE WITNESS: Sorry, sorry.

22 BY MR. ZANN:

23 Q. I know you know where I'm going. I've just
24 got to put it on there for the record.

25 Would that also work in reverse, where if

1 Triumph submitted a merchant application to one of
2 the other credit card processors, non Total Merchant
3 credit card processors it was affiliated with at the
4 time, if that was rejected would Triumph then submit
5 that application to TMS to see if TMS would accept
6 it?

7 A. Correct.

8 Q. Is there anything in that, I'll call it
9 solicitation process that needs clarification?

10 A. For me?

11 Q. In terms of the process as I've laid out, am
12 I correct in the description that I've provided?

13 A. Yeah, that's a fair statement.

14 Q. You indicated earlier that Poundteam
15 constructed the Vicidial software on a server that
16 Triumph currently possesses, is that correct?

17 A. Currently now, yes.

18 Q. Currently now, right.

19 A. Correct.

20 Q. You indicated that the telephone service
21 provider for the Vicidial software was VoIP
22 Innovations, is that correct?

23 A. Correct.

24 Q. Do you know what VoIP is?

25 A. It's voice over IP, it's just the way we're

1 Z did not want to be contacted?

2 A. No, we did not notify them.

3 Q. I believe you answered this question, but I
4 may not have heard it clearly. Who is Aleks Mezea?

5 A. A former employee.

6 Q. Okay. So, he's no longer employed with
7 Triumph?

8 A. No. And not very long after this, I believe.

9 MR. ZANN: Taylor, you can put that down.
10 Thank you again.

11 BY MR. ZANN:

12 Q. As it relates to any of the telephone numbers
13 that Triumph called was any due diligence conducted as
14 to who was being contacted?

15 A. What do you mean?

16 Q. Okay. How about the identity of the call
17 recipient, were you aware of who was going to receive
18 the call?

19 A. Just business owners from the list we would
20 buy from.

21 Q. So, let's work off of that when you say the
22 business owners. Were there certain industries that
23 Triumph was targeting?

24 A. Yes and no.

25 Q. Tell me the yes and then tell me the no.

1 A. Yes, we would go after plumbers, auto, HVAC's.
2 And then no, because we also went after new registered
3 businesses --

4 Q. And which --

5 A. -- which wasn't identified by any type of SIC
6 code.

7 Q. And when you say SIC code what are you
8 referring to?

9 A. I just know the acronym. I don't know what it
10 means. It's how they identify each particular
11 business.

12 Q. And by "they" are you referring to Infofree?

13 A. The industry of leads.

14 Q. Now, when you would request the contact
15 information for the various businesses in the
16 industries you were looking to contact would you
17 actually take a deeper dive into the businesses
18 themselves?

19 So, for instance, if we use plaintiff as an
20 example, was there a point in time where Triumph
21 conducted any research as it relates to Abante Rooter
22 and Plumbing?

23 A. No.

24 Q. Does the same hold true as it relates to the
25 other call recipients?